



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1994

Ms. Tamara Armstrong  
Assistant County Attorney  
County of Travis  
County Courthouse  
P.O. Box 1748  
Austin, Texas 78767

OR94-199

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 24564.

The Travis County Sheriff's Office (the "sheriff's office") has received a request for a specific offense report involving allegations of sexual assault. You have released to the requestor the front page of the offense report with the victim's name redacted. You contend that sections 552.101, 552.103, and 552.108 except the remainder of the offense report from required public disclosure.

You contend that section 552.108 excepts the remainder of the offense report because it relates to a pending criminal prosecution. Section 552.108 provides that:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, and prosecution of crime is excepted from [required public disclosure].

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). If the victim is identified as the complainant, the name is included in the information found on the first page of the offense report. Open Records Decision No. 127 at 4. Although such front page information is generally available to the public, the victim's identity must be withheld under the common-law privacy aspect of section 552.101 when the complaint involves a serious sexual assault and the victim is identified as the complainant. Open Records Decision No. 339 (1982) at 2 (concluding that victims of serious sexual offenses have a common-law privacy interest that prevents disclosure of identifying information). Therefore, you properly withheld the identity of the victim when you released the front page of the offense report. In addition, you may withhold the remainder of the offense report pursuant to section 552.108 because the case is pending criminal prosecution.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/rho

Ref.: ID# 24564

Enclosures: Submitted documents

cc: Mr. Eric W. Olin  
20300 Lindeman Lane  
Leander, Texas 78641  
(w/o enclosures)